

REMARKS/ARGUMENTS

Favourable reconsideration of this application is respectfully requested in view of the above amendments and the following remarks.

The Examiner has objected to claim 10 on the grounds that "waste tube" lacks an antecedent. The Examiner is requested to reconsider the objection in light of the amendment and the following comments. Specifically claim 10 is dependent on claim 9 which in turn is dependent on claims 8 through 6 and claim 6 specifically adds a "waste tube". Claim 10 has been amended to specifically refer to "the waste tube". Accordingly, it is respectfully submitted that the claims as amended now meet the requirements of 35 U.S.C. § 112.

The Examiner has rejected claims 1-4, 12- 14 and 16 as being anticipated by DeWinter et al, US patent 6,866,461. The Examiner is requested to reconsider the rejection in view of the above amendments and the following comments.

Independent claim 1 and claim 12 have been amended to specifically state that it is a liquid sample which is being handled. There are a number of places throughout the specification which specifically refer to a liquid and it is clear that the state of the sample that is in each vial is liquid.

It is respectfully submitted that the DeWinter patent is substantially different from the claimed invention. Specifically the DeWinter patent is directed to a device for handling a plurality of probes. The probes are used to deliver the samples into a mass spectrometer (Column 1 lines 45 -50). The object of the invention is to minimize the manual handling of the probes by individuals to minimize the opportunities of contamination by the operators and increase throughput (Column 2 lines 15 -30). The DeWinter device is arranged such that a new probe is used to deliver each new sample to the mass spectrometer. There is provided a cassette 11 which constrains a plurality of probes 12. A sample is deposited on the probe 12 and then the probe is

automatically loaded into the mass spectrometer 13 for analysis. Each probe 12 typically has a plurality of active surfaces to which analytes may be absorbed. (Column 6 lines 40 – 60). Accordingly it is clear that the device is to handle the probes 12 to which the sample is adhered. This contrasts with the claimed invention which picks up the sample directly.

It is respectfully submitted that this device is very different from the claimed invention which is directed to handling the samples. Specifically the invention herein is directed to the handling of liquid samples whereas the DeWinter is not. More specifically, it is respectfully submitted that there is nothing in the DeWinter patent that corresponds with the "at least one vial containing a liquid sample": It appears that the DeWinter device does not use vials to hold samples. It should be noted that the word "vial" does not appear in their patent. It appears that the samples are not stored or transferred in liquid form, but are transferred into the ion source chamber within the mass spectrometer on probes (12). In fact, DeWinter does not describe liquid handling at all, while the claimed invention herein is based on manipulating liquid samples. Similarly the "cassette (11)" holds a plurality of probes but does not hold any vials.

It is submitted that the "loading device (20)" of DeWinter is very different from the insertion head of the claimed invention. The loading device 20 of DeWinter is a fairly complex mechanism that transfers individual probes (12) from cassette (11) to the receiving post (16) on the mass spectrometer (13). There is no functional relationship between the loading device (20) and the insertion head of the claimed invention.

It is submitted that the sealing arrangement in the DeWinter device is quite different from that of the claimed invention. Specifically, the insertion head of the claimed invention is "sealingly engageable in the vial cavity": In contrast in DeWinter parts of the loading device (20) are sealed against the mass spectrometer, not the "vial cavity"

Further, the insertion tube in the DeWinter device is quite different from the "insertion tube (the combination of 16 and 26)": Those are the parts on the mass spectrometer

through which the probe is inserted into the vacuum chamber. The insertion tube of the present invention is a conduit for pumping liquids and it is submitted that there is no functional relationship between the two items in the two devices.

Lastly there is nothing in the DeWinter device which explicitly teaches a means for pushing the sample out of the vial" because there is no vial taught in the DeWinter patent.

Accordingly, it is respectfully submitted that for these reasons the invention as claimed in claim 1 is patentable over the DeWinter patent. In addition, all those claims which are dependent on claim 1 are similarly patentable over DeWinter. As well, it is respectfully submitted that claim 12 is also patentable over DeWinter as well as the claims dependent on claim 12.

Applicant submits that the amendments to the application are to more clearly and succinctly recite and claim the present invention. It is respectfully submitted that no new matter has been added by these amendments and all the amendments are supported by the original specification as a whole.

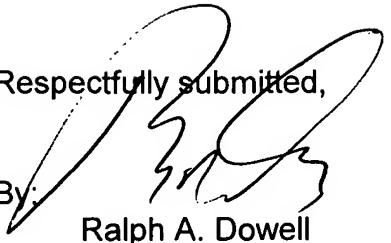
With respect to the Examiner's comments regarding Oath/Declaration, please note that an Application Data Sheet was filed with the application which listed the inventors addresses which include the ZIP Code for both inventors. A copy of the application data sheet printed off the Private PAIR is also enclosed. Therefore, it is believed that this requirement has been met.

As the response is being filed after the shortened statutory period also submitted with this response is an Extension of Time for three months and the required fee. It is respectfully submitted that the application is now in condition for allowance, which is requested.

Dated: 3/16/06

Respectfully submitted,

By:


Ralph A. Dowell
Attorney for Applicants
Registration No. 26,868
DOWELL & DOWELL, P.C.
2111 Eisenhower Avenue
Suite 406
Alexandria, Virginia
(703) 415-2555

ATTORNEY'S DOCKET NO.: 14661 (115-020-P)